



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

AUG 09 2006

Mr. Edward Galbraith, Director
Water Pollution Control Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

RE: Permit Limits in Lieu of a TMDL for Little Beaver Creek

This letter responds to the submission from the Missouri Department of Natural Resources (MDNR), dated May 25, 2006, regarding Little Beaver Creek, which was listed as impaired on Missouri's 1998 §303(d) list for Non-Filterable Residue (NFR). MDNR later changed the listing to Volatile Suspended Solids (VSS) in 2002, to reflect impairment from a Wastewater Treatment Plant (WWTP). MDNR proposes to correct the impairment with National Pollutant Discharge Elimination System (NPDES) permit limits in lieu of a Total Maximum Daily Load (TMDL). The following water body segment was proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Little Beaver Creek	1529	Volatile Suspended Solids (VSS)	Rolla Southwest Wastewater Treatment Plant (WWTP)	MO-0047023	1998

Waters require TMDLs when certain pollution control requirements are not stringent enough to implement water quality standards (WQS) for such waters. To exempt an impaired water from the TMDL process, the pollution control requirements cited in the regulation under 130.7(b)(i), (ii), and (iii) must be established and enforced by federal, state, or local laws or regulations, and be stringent enough that, when applied, the receiving water will meet WQS.

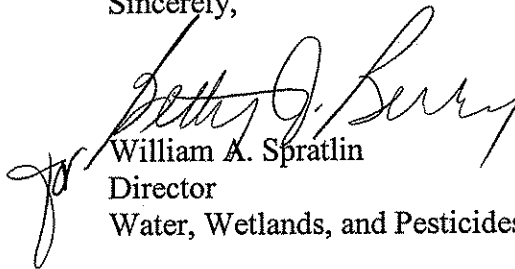
In regards to Little Beaver Creek, Federal regulations at 40 CFR 130.7(b)(ii) provide that where [more stringent effluent limitations (including prohibitions) required by either state or local authority preserved by section 510 of the Act, or Federal authority (law, regulation, or treaty)] are stringent enough to implement WQS, a TMDL is not required. The U.S. Environmental Protection Agency has completed its review of this submission, and other

previously submitted information supporting this permit in lieu of a TMDL, and concurs that a TMDL is not required for this impaired water body because the impairment is being addressed through more stringent NPDES permit limits as per 40 CFR 130.7(b)(ii).

The Rolla Southwest WWTP has been identified as the sole source for the VSS on Little Beaver Creek, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit was issued on May 5, 2006, for the Rolla Southwest WWTP and includes a compliance schedule to commence by May 1, 2006; final limits which will achieve WQS for VSS will be imposed through the re-issued May 5, 2006, permit, with the conclusion of the compliance schedule, December 1, 2007.

If you have any questions or concerns in regards to this matter, please do not hesitate to contact Jack Generaux, TMDL Team Leader, at (913)551-7690, or Tabatha Adkins, TMDL Team, at (913)551-7128.

Sincerely,

A handwritten signature in dark ink, appearing to read "William A. Spratlin", is written over the typed name and title.

William A. Spratlin

Director

Water, Wetlands, and Pesticides Division

cc: Ann Peery
Missouri Department of Natural Resources

Phil Schroeder
Missouri Department of Natural Resources

Gerald Babao
American Canoe Association

Paul Sanford
American Canoe Association

Scott Dye
Sierra Club

John Simpson
KS Natural Resource Council